

Judges and Referees: Who May Conduct Which Proceeding?

The following table summarizes which proceedings a judge must conduct and which proceedings an attorney referee or a nonattorney referee may conduct. Note, however, that “[t]he parties have the right to a judge at a hearing on the formal calendar.” [MCR 3.912\(B\)](#); [MCL 712A.10](#). “Formal calendar” includes all proceedings in a delinquency case other than consent calendar proceedings, a preliminary inquiry, or a preliminary hearing. [MCR 3.903\(A\)\(10\)](#). “A party may demand that a judge rather than a referee preside at a nonjury trial by filing a written demand with the court[.]” [MCR 3.912\(B\)](#). Additionally, “[u]nless a party has demanded trial by jury or by a judge . . . , a referee may conduct the trial and further proceedings through disposition.” [MCR 3.913\(B\)](#).

Proceeding	Judge	Attorney Referee	Non-attorney Referee	Authority
Preliminary inquiry in delinquency case	X	X	X	MCR 3.912 ; MCR 3.913 ; MCL 712A.10
Preliminary hearing in delinquency case	X	X	X	MCR 3.912 ; MCR 3.913 ; MCL 712A.10 ; MCL 712A.14
Hearings, other than preliminary inquiry or preliminary hearing, in delinquency case, including evidentiary hearings and plea hearings	X	X		MCR 3.912 ; MCR 3.913 ; MCL 712A.10
Bench trial in delinquency proceedings	X	X		MCR 3.912 ; MCR 3.913 ; MCL 712A.10
Dispositional hearings in delinquency proceedings	X	X		MCR 3.912 ; MCR 3.913 ; MCL 712A.10
Postdispositional hearings in delinquency cases	X	X		MCR 3.912 ; MCR 3.913 ; MCL 712A.10

Proceeding	Judge	Attorney Referee	Non-attorney Referee	Authority
Status offense cases, including “wayward minor” status offenses	X	X	X	MCR 3.912 ; MCR 3.913 ; MCL 712A.10
Traditional waiver hearing	X			MCR 3.912
Hearing to amend petition to designate case for trial in same manner as adult	X	X		MCR 3.912 ; MCR 3.913 ; MCL 712A.10
Arraignment in designated case	X	X	X	MCR 3.912 ; MCR 3.913 ; MCL 712A.10
Designation hearing	X	X		MCR 3.912 ; MCR 3.913 ; MCL 712A.10
Preliminary examination in designated case	X			MCR 3.912
Plea in designated case ¹	X			MCR 3.912
Trial in designated case	X			MCR 3.912
Sentencing in designated case	X			MCR 3.912
Minor PPO issuance hearing	X			MCR 3.912
Minor PPO modification hearing	X			MCR 3.912
Minor PPO termination hearing	X			MCR 3.912

Proceeding	Judge	Attorney Referee	Non-attorney Referee	Authority
Preliminary hearing in minor PPO enforcement proceeding	X	X	X	MCR 3.912; MCR 3.913; MCL 712A.10; MCL 712A.14
Hearings, other than preliminary hearing, in minor PPO enforcement proceedings	X	X		MCR 3.912; MCR 3.913; MCL 712A.10
Jury trial	X			MCR 3.912
Preliminary hearing in contempt proceeding	X	X	X	MCR 3.912; MCR 3.913; MCL 712A.10
Hearings, other than preliminary hearing, in contempt proceeding	X	X		MCR 3.912; MCR 3.913; MCL 712A.10

1. Judge who presides at preliminary examination may not preside at trial unless probable cause determination waived.

